IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 19961 of 2004

Between:

1 M.Anjaneya Reddy S/o.Obul Reddy
R/o.Vempalli Village and Mandal Cuddapah District.
2 Chintakunta Venkata Subbaiah, Alias Chantanna S/o.Subbanna
R/o.Vempalli Village and Mandal Cuddapah District.
3 P.Subhan Basha S/o.P.Narsimlu
R/o.Vempalli Village and Mandal Cuddapah District.

..... PETITIONERS

AND

1 Chief Executive Officer, Zilla Parishad, Kadapa District.
2 Mandal Revenue Officer, Vempally Mandal, Kadapa District.
3 President, Vempally Panchayat, Vempally Mandal and Village,
Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more in the nature of writ of Mandamus, declaring the proceedings No.R.No.3141/A7/90, dated 25.10.2004 (received by the Petitioners on 27.10.2004) as being illegal, arbitrary, untenable and unsustainable and violative of Articles 14,19 and 21 of Constitution of India and consequently set aside the same as otherwise the petitioners will suffer grave and irreparable loss and injury.

Counsel for the Petitioners:MR.V.HARI HARAN

Counsel for Respondents 1&3:SMT. G. JYOTHI ESWAR

Counsel for Respondent No.2: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER

Petitioners already invoked the jurisdiction of Civil Court by filing O.S.Nos.197,198 and 199 of 2004 before the Senior Civil Judge, Kadapa for declaration of title and possession of the land mentioned in the writ affidavit. Along with the suits, the petitioners have also filed interlocutory applications seeking temporary injunction restraining the respondents from interfering with their possession and according to the petitioners, urgent notices were ordered in the I.As. In the meanwhile, this writ petition is filed when the impugned notices were served on the petitioners to vacate the land in question in the light of the orders passed by this Court in W.P.Nos.966 of 2002 and W.P.No.3037 of 2004 dated 14.7.2003 and 20.2.2004 respectively.

Since the petitioners have already invoked the jurisdiction of the competent civil Court, they can obtain necessary interim orders, pending disposal of suits. Even according to the petitioners, the Civil Court has ordered urgent notice, but not granted injunction in the I.As. Thus the petitioners failed to obtain temporary injunction from the civil Court and merely because the petitioners failed to get an order of injunction, they cannot be permitted to file this writ petition contending that the impugned notices are issued subsequent to the institution of the suits.

The writ petition is accordingly dismissed. No costs.

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A. GOPAL REDDY. J.

1st November, 2004

tsr.

To

1 Chief Executive Officer Zilla Parishad, Kadapa District.
2 Mandal Revenue Officer Vempally Mandal, Kadapa District.
3 President, Vempally Panchayat Vempaly Mandal and Village Kadapa District.

4. Two CCs to Government Pleader for Revenue, High Court Buildings, Hyderabad. (OUT).

5 Two CD copies.